

# United States District Court

for the  
District of Wyoming

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

2023 APR 11 AM 11:00

MARGARET BOYKINS, CLERK  
CASPER

Jake Stanley DeWilde

Plaintiff,

v.

Attorney General of the  
United States; Director of  
the Bureau of Alcohol,  
Tobacco, Firearms, and  
Explosives,

Defendants.

Case No. 1:23-cv-00003-SWS

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## PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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In accordance with Federal Rule of Civil Procedure 56, Plaintiff hereby moves this Court for summary judgment. In accordance with Local Rule 7.1(b)(2)(d), this motion is accompanied by a brief that sets forth the contentions of law, arguments, and authorities on which Plaintiff relies in support of this motion.<sup>1</sup>

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<sup>1</sup> Plaintiff files contemporaneously herewith his response to Defendants' Motion to Dismiss. Plaintiff thus files a combined brief in support of his Motion for Summary Judgment and in opposition to Defendants' Motion to Dismiss the Amended Complaint (ECF No. 16).

## SUMMARY

With the clarifications of *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. \_\_\_\_ (2022), the statute challenged by Plaintiff, 18 U.S.C. § 922(o) (“the machinegun ban”) does not pass constitutional muster. Since machineguns are a type of arm in common use and protected under the plain text of the Second Amendment, “as informed by history[,]” the “Constitution presumptively protects” the possession of machineguns, and “the government must demonstrate that” the machinegun ban “is consistent with this Nation’s historical tradition of firearm regulation.” *Id.*, slip op. at 8. The Defendants have failed to satisfy the burden imposed on them by *Bruen*. Accordingly, Plaintiff requests that the Court grant summary judgment in his favor.

DATED this 7<sup>th</sup> day of April, 2023.

Respectfully Submitted,



Jake S. DeWilde

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